

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Kazong Lo, individually and on
behalf of all others similarly situated,

Plaintiff,

Court File No. _____

vs.

Asian-American Home Healthcare
Services, Inc.,

Defendant.

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 and 1446, Defendant Asian-American Home Healthcare Services, Inc. ("**Defendant**") by and through its counsel V. John Ella and Nathan R. Snyder, Trepanier MacGillis Battina P.A., 8000 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, hereby remove this action from the Ramsey County District Court, Second Judicial District, State of Minnesota, to this Court. The grounds for removal are as follows:

BACKGROUND

1. Plaintiff Kazong Lo ("**Plaintiff**") served his Summons and Complaint (the "**Complaint**") for the Minnesota State District Court, Ramsey County, on Defendant on May 9, 2019.

2. The Complaint alleges a claim for violation of the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.*, failure to pay overtime wages.

3. Plaintiff filed the Complaint in Minnesota State District Court, Ramsey County on May 17, 2019. There have been no further proceedings in the state-court action.

GROUND FOR REMOVAL

4. This Action is removable pursuant to 28 U.S.C. § 1441.

5. Venue in this Court is proper under 28 U.S.C. §§ 1441(a) and 1446(a) because this Court is the United States District Court for the district and division corresponding to the place where the state-court action was pending.

6. Pursuant to 28 U.S.C. § 1446(b) and *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999), Defendant has timely removed this action because this Notice of Removal is filed within the 30 days after service on Defendant of the initial pleading setting forth the claims for relief upon which the action is based.

7. The United States District Court for the District of Minnesota has subject-matter jurisdiction over this action based on federal question pursuant to 29 U.S.C. § 1331 (29 U.S.C. § 201, *et seq.*).

OTHER PROCEDURAL MATTERS

8. Pursuant to 28 U.S.C. § 1446(a), a copy of all pleadings served upon Defendant in the state-court action are filed with this Notice as Exhibit 1.

9. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the District Court of Ramsey County and is being served on Plaintiff's counsel.

10. The requirements for removal under 28 U.S.C. §§ 1441 and 1446 have been met. If any questions arise as to the propriety of the removal of this action, Defendant requests the opportunity to present a brief, oral argument, and provide further evidence as necessary to support its position that the case is removable.

11. By removing this action to this Court, Defendant does not waive any defenses that are available to it under applicable law.

WHEREFORE, Defendant requests that the above-captioned matter be removed from the District Court for Ramsey County in the State of Minnesota to this Court and that further proceedings be conducted in this Court as provided by law.

Dated: May 28, 2019.

TREPANIER MACGILLIS BATTINA P.A.

s/ V. John Ella

By: _____

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